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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
BARDWELL)	Examiner:
)	S. PERUNGAVOOR
Serial No. 10/081,870)	
)	Art Unit: 2624
Confirmation No: 9894)	
)	Attorney Docket No.
Filing Date: FEBRUARY 22, 2002)	59718
)	
For: BIOMETRIC IDENTIFICATION SYSTEM)	
USING A MAGNETIC STRIPE AND)	
ASSOCIATED METHODS)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action of November 14, 2006,
and in connection with the Notice of Appeal filed concurrently
herewith, please consider the remarks set out below.

REMARKS

Applicant thanks the Examiner for the careful and
thorough examination of the present application, and for
extending all courtesies during a telephonic interview conducted
on January 26th, 2007. Applicant's arguments presented during
the telephonic interview are detailed below. Favorable
reconsideration is respectfully requested.

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I. The Claimed Invention

Independent Claim 1, for example, is directed to a method for storing biometric information on a token comprising a magnetic storage medium. The method comprises capturing a biometric image and generating therefrom digital pixel data for an array of image pixels and selecting a plurality of non-contiguous sets of image pixels from the array of image pixels. Each non-contiguous set of image pixels comprises a plurality of consecutive and colinear image pixels. The method also includes processing respective sets of digital pixel data for the selected non-contiguous sets of image pixels to produce biometric data and storing the biometric data on the magnetic storage medium of the token.

Independent Claim 10 is directed to a method of regulating the use of a token similar to Claim 1. Independent Claim 15 is similar to Claim 10 but includes recitations for fingerprint enrollment and verification. Independent Claim 21 is a system counterpart to Claim 15. Independent Claim 29 is a device counterpart to Claim 10.

II. The Claims Are Patentable

The Examiner rejected independent Claims 1, 10, 15, 21, and 29 over the Abtahi et al. patent. Abtahi et al. discloses a magnetic strip card based fingerprint verification system that uses a standardized fingerprint feature template library for identification purposes. (Col. 5, lines 55-61). The system

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verifies that the card user is the authorized card owner by matching portions of the scanned image of the card user's fingerprint to the unique code which has been assigned to the card owner and encoded on the card's magnetic strip. (Cols. 7-8). The unique code is generated during an enrollment procedure that first scans the entire card owner's fingerprint image. Overlapping portions of the scanned fingerprint image are compared to each 16x16 pixel fingerprint feature template (template) contained in the feature template library to determine if any template provides an accurate approximation of that portion of the card owner's fingerprint image. If an accurate template is found, the feature template library reference number for the template and its location in the fingerprint image of the card owner are stored onto the magnetic strip card. (Col. 10, line 66 through Col. 11, line 36).

In contrast, independent Claims 1, 10, 15, 21, and 29 recite capturing a biometric image and selecting a plurality of non-contiguous sets of image pixels from the array of image pixels, processing the sets to produce biometric data, and storing the biometric data onto a magnetic storage medium. Although Abtahi et al. discloses scanning a fingerprint image of the user, the portions of the fingerprint image depicted in Figure 11 and cited by the Examiner as teaching the "plurality of non-contiguous sets" recitation do not relate to the scanned fingerprint image. These portions are templates from the feature template library. (Col. 8, lines 24-26 & Col. 10, lines 29-48).

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None of these template pieces relate to the actual captured biometric image as claimed. These templates approximate the card owner's fingerprint at certain positions and are compared to the scanned fingerprint image of the card user. Accordingly, for this reason alone, independent Claims 1, 10, 15, 21, and 29 are patentable.

Furthermore, independent Claims 1, 10, 15, 21, and 29 also recite a plurality of non-contiguous sets of image pixels from the array of image pixels. As discussed above, the templates approximate areas of the card owner's fingerprint image. These approximated portions of the card owner's fingerprint image overlap and are contiguous. (Col. 11, lines 1-5). Hence, the templates approximate overlapping contiguous portions of the card owner's fingerprint image. These portions of the card owner's fingerprint are simply not a plurality of non-contiguous sets of image pixels from the array of image pixels. Accordingly, for this reason also, independent Claims 1, 10, 15, 21, and 29 are patentable.

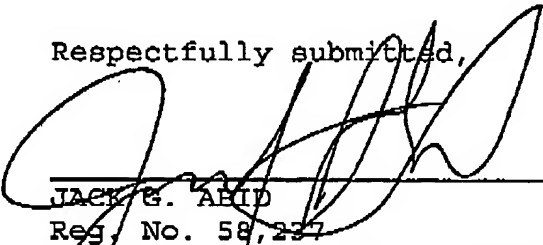
Moreover, even if the Examiner's cited templates from the feature template library of Abtahi et al. came from an actual fingerprint image, the templates are not consecutive and colinear sets of pixels as in the claimed invention. Each template in the feature template library of Abtahi et al. is square in shape - 16x16 pixels; therefore, the sets of pixels are not consecutive and colinear as in the claimed invention. (Col. 8, lines 18-23).

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Accordingly, for this reason also, independent Claims 1, 10, 15, 21, and 29 are patentable. Their respective dependent claims, which recite yet further distinguishing features, are also patentable and require no further discussion herein.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 14th day of February, 2007.

